

1 AN ACT relating to the Commission on Fire Protection Personnel Standards and
2 Education.

3 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

4 ➔Section 1. KRS 95A.262 is amended to read as follows:

5 (1) The Commission on Fire Protection Personnel Standards and Education shall, in
6 cooperation with the Cabinet for Health and Family Services, develop and
7 implement a continuing program to inoculate every paid and volunteer firefighter in
8 Kentucky against hepatitis A and B. The program shall be funded from revenues
9 allocated to the Firefighters Foundation Program fund pursuant to KRS 136.392 and
10 42.190;not to exceed five hundred thousand dollars (\$500,000) per fiscal year.†

11 ~~Any fire department which has inoculated its personnel during the period of July 1,~~
12 ~~1991 to July 14, 1992, shall be reimbursed from these revenues for its costs incurred~~
13 ~~up to the amount allowed by the Cabinet for Health and Family Services for~~
14 ~~hepatitis B inoculations.]~~

15 (2) (a) Except as provided in subsection (3) of this section, the Commission on Fire
16 Protection Personnel Standards and Education shall allot on an annual basis a
17 share of the funds accruing to and appropriated for volunteer fire department
18 aid to volunteer fire departments in cities of all classes, fire protection districts
19 organized pursuant to KRS Chapter 75, county districts established under
20 authority of KRS 67.083, and volunteer fire departments created as nonprofit
21 corporations pursuant to KRS Chapter 273.

22 (b) The commission shall allot ~~eight thousand two hundred fifty dollars (\$8,250),~~
23 ~~and beginning on July 1, 2018, the commission shall allot~~ eleven thousand
24 dollars (\$11,000) annually to each qualifying department.

25 (c) Any qualifying department which fails to participate satisfactorily in the
26 Kentucky fire incident reporting system as described in KRS 304.13-380 shall
27 forfeit annually five hundred dollars (\$500) of its allotment.

1 (d) If two (2) or more qualified volunteer fire departments, as defined in KRS
2 95A.500 to 95A.560, merge after January 1, 2000, then the allotment shall be
3 in accordance with the provisions of KRS 95A.500 to 95A.560.

4 (e) Administrative regulations for determining qualifications shall be based on the
5 number of both paid firefighters and volunteer firemen within a volunteer fire
6 department, the amount of equipment, housing facilities available, and any
7 other matters or standards that will best effect the purposes of the volunteer
8 fire department aid law. A qualifying department shall:

- 9 1. Include at least twelve (12) firefighters;
- 10 2. Have a chief;
- 11 3. Have at least one (1) operational fire apparatus or one (1) on order; and
- 12 4. Have at least fifty percent (50%) of its firefighters who have completed
13 at least one-half (1/2) of one hundred fifty (150) training hours, or as
14 otherwise established by the commission under KRS 95A.240(6),
15 toward certification within the first six (6) months of the first year of the
16 department's application for certification, and there shall be a plan to
17 complete the one hundred fifty (150) training hours, or as otherwise
18 established by the commission by KRS 95A.240(6), within the second
19 year.

20 These personnel, equipment, and training requirements shall not be made
21 more stringent by the promulgation of administrative regulations.

22 (f) No allotment shall exceed the total value of the funds, equipment, lands, and
23 buildings made available to the local fire units from any source whatever for
24 the year in which the allotment is made.

25 (g) A portion of the funds provided for above may be used to purchase group or
26 blanket health insurance and shall be used to purchase workers' compensation
27 insurance, and the remaining funds shall be distributed as provided in this

1 section.

2 (3) There shall be allotted two hundred thousand dollars (\$200,000) of the insurance
3 premium surcharge proceeds accruing to the Firefighters Foundation Program fund
4 that shall be allocated each fiscal year of the biennium to the firefighters training
5 center fund, which is hereby created and established, for the purposes of
6 constructing new or upgrading existing training centers for firefighters. If any
7 moneys in the training center fund remain uncommitted, unobligated, or
8 unexpended at the close of the first fiscal year of the biennium, then such moneys
9 shall be carried forward to the second fiscal year of the biennium, and shall be
10 reallocated to and for the use of the training center fund, in addition to the second
11 fiscal year's allocation of two hundred thousand dollars (\$200,000). Prior to funding
12 any project pursuant to this subsection, a proposed project shall be approved by the
13 Commission on Fire Protection Personnel Standards and Education as provided in
14 subsection (4) of this section and shall comply with state laws applicable to capital
15 construction projects.

16 (4) Applications for funding low-interest loans and firefighters' training centers shall be
17 submitted to the Commission on Fire Protection Personnel Standards and Education
18 for their recommendation, approval, disapproval, or modification. The commission
19 shall review applications periodically, and shall, subject to funds available,
20 recommend which applications shall be funded and at what levels, together with any
21 terms and conditions the commission deems necessary.

22 (5) Any department or entity eligible for and receiving funding pursuant to this section
23 shall have a minimum of fifty percent (50%) of its personnel certified as recognized
24 by the Commission on Fire Protection Personnel Standards and Education.

25 (6) Upon the written request of any department, the Commission on Fire Protection
26 Personnel Standards and Education shall make available a certified training
27 program in a county of which such department is located.

- 1 (7) The amount of reimbursement for any given year for costs incurred by the Kentucky
2 Community and Technical College System for administering these funds, including
3 but not limited to the expenses and costs of commission operations, shall be
4 determined by the commission and shall not exceed five percent (5%) of the total
5 amount of moneys accruing to the Firefighters Foundation Program fund which are
6 allotted for the purposes specified in this section during any fiscal year.
- 7 (8) The commission shall withhold from the general distribution of funds under
8 subsection (2) of this section an amount which it deems sufficient to reimburse
9 volunteer fire departments for equipment lost or damaged beyond repair due to
10 hazardous material incidents.
- 11 (9) Moneys withheld pursuant to subsection (8) of this section shall be distributed only
12 under the following terms and conditions:
- 13 (a) A volunteer fire department has lost or damaged beyond repair items of
14 personal protective clothing or equipment due to that equipment having been
15 lost or damaged as a result of an incident in which a hazardous material (as
16 defined in any state or federal statute or regulation) was the causative agent of
17 the loss;
- 18 (b) The volunteer fire department has made application in writing to the
19 commission for reimbursement in a manner approved by the commission and
20 the loss and the circumstances thereof have been verified by the commission;
- 21 (c) The loss of or damage to the equipment has not been reimbursed by the person
22 responsible for the hazardous materials incident or by any other person;
- 23 (d) The commission has determined that the volunteer fire department does not
24 have the fiscal resources to replace the equipment;
- 25 (e) The commission has determined that the equipment sought to be replaced is
26 immediately necessary to protect the lives of the volunteer firefighters of the
27 fire department;

1 (f) The fire department has agreed in writing to subrogate all claims for and rights
2 to reimbursement for the lost or damaged equipment to the Commonwealth to
3 the extent that the Commonwealth provides reimbursement to the department;
4 and

5 (g) The department has shown to the satisfaction of the commission that it has
6 made reasonable attempts to secure reimbursement for its losses from the
7 person responsible for the hazardous materials incident and has been
8 unsuccessful in the effort.

9 (10) If a volunteer fire department has met all of the requirements of subsection (9) of
10 this section, the commission may authorize a reimbursement of equipment losses
11 not exceeding ten thousand dollars (\$10,000) or the actual amount of the loss,
12 whichever is less.

13 (11) Moneys which have been withheld during any fiscal year which remain unexpended
14 at the end of the fiscal year shall be distributed in the normal manner required by
15 subsection (2) of this section during the following fiscal year.

16 (12) No volunteer fire department may receive funding for equipment losses more than
17 once during any fiscal year.

18 (13) The commission shall make reasonable efforts to secure reimbursement from the
19 responsible party for any moneys awarded to a fire department pursuant to this
20 section.

21 (14) ~~{There shall be allotted each year of the 1992-93 biennium one million dollars~~
22 ~~(\$1,000,000), and each year of the 1994-95, 1996-97, 1998-99, and 2000-01~~
23 ~~bienniums one million dollars (\$1,000,000) of the insurance premium surcharge~~
24 ~~proceeds accruing to the Firefighters Foundation Program fund for the purpose of~~
25 ~~creating a revolving low interest loan fund, which shall thereafter be self-sufficient~~
26 ~~and derive its operating revenues from principal and interest payments.}~~The
27 commission, in accordance with the procedures in subsection (4) of this section,

1 may make low-interest loans, and the interest thereon shall not exceed three percent
2 (3%) annually or the amount needed to sustain operating expenses of the loan fund,
3 whichever is less, to volunteer fire departments for the purposes of major equipment
4 purchases and facility construction. Loans shall be made to departments which
5 achieve the training standards necessary to qualify for volunteer fire department aid
6 allotted pursuant to subsection (2) of this section, and which do not have other
7 sources of funds at rates which are favorable given their financial resources. The
8 proceeds of loan payments shall be returned to the loan fund for the purpose of
9 providing future loans. If a department does not make scheduled loan payments, the
10 commission may withhold any grants payable to the department pursuant to
11 subsection (2) of this section until the department is current on its payments. Money
12 in the low-interest loan fund shall be used only for the purposes specified in this
13 subsection. Any funds remaining in the fund at the end of a fiscal year shall be
14 carried forward to the next fiscal year for the purposes of the fund.

15 (15) ~~For fiscal year 2004-2005 and~~ Each fiscal year ~~thereafter,~~ there shall be ~~is~~
16 allotted one million dollars (\$1,000,000) from the fund established in KRS 95A.220
17 to be used by the commission to conduct training-related activities.

18 (16) If funding is available from the fund established in KRS 95A.220, the Commission
19 on Fire Protection Personnel Standards and Education may implement the
20 following:

21 (a) A program to prepare emergency service personnel for handling potential
22 man-made and non-man-made threats. The commission shall work in
23 conjunction with the state fire marshal and other appropriate agencies and
24 associations to identify and make maps of gas transmission and hazardous
25 liquids pipelines in the state;

26 (b) A program to provide and maintain a mobile test facility in each training
27 region established by the Commission on Fire Protection Personnel Standards

- 1 and Education with equipment to administer Comprehensive Physical
2 Aptitude Tests (CPAT) to ascertain a firefighter's ability to perform the
3 physical requirements necessary to be an effective and safe firefighter;
- 4 (c) A program to provide defensive driving training tactics to firefighters. The
5 commission shall purchase, instruct in the use of, and maintain mobile
6 equipment in each of the training regions, and fund expenses related to
7 equipment replacement;
- 8 (d) A program to annually evaluate equipment adequacy and to provide for annual
9 physical examinations for instructors, adequate protective clothing and
10 personal equipment to meet NFPA guidelines, and to establish procedures for
11 replacing this equipment as needed;
- 12 (e) A program to establish a rotational expansion and replacement program for
13 mobile fleet equipment currently used for training and recertification of fire
14 departments;
- 15 (f) A program to expand and update current EMS, first responder, EMT, and
16 paramedic training and certification instruction; and
- 17 (g) A program to purchase thermal vision devices to comply with the provisions
18 of KRS 95A.400 to 95A.440.